

PRIMARY REPORT DIGEST-

COMPLAINT REGISTER INVESTIGATION NO.:

292425

DATE OF REPORT (DAY-MO.-YEAR)

22 December 2003

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

PA Del Valle

Emp 300238

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

FEB 16 2005

TO: SUPERINTENDENT OF POLICE

ATTENTION

☒ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
☐ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

COM - INVESTIGATOR'S NAME
Johnna M. Richmond

RANK
Inv

STAR NO.
260

SOCIAL SEC. NO

EMPLOYEE NO.
2 - Unique...

UNIT ASSIGN.
113

ADDRESS OF INCIDENT

1 - N. Laramie

DATE OF INCIDENT - TIME
1 - Sep 03 - 1915 hrs.

BEAT OF INCIDENT
1531

LOCATION CODE*
1 -

NAME
1. Carlos Huertas

RANK
PO

STAR NO.
19394

2 - Unique...

UNIT ASSIGN.
015

2 1 - Pe... Smith

PO

13791

2 - Unique...

015

SEX/RACE
1. M/H

D.O.B.

DATE OF APPOINTMENT
27 Jul 98

DUTY STATUS (TIME OF INCIDENT)
☒ ON DUTY ☐ OFF DUTY

☒ SWORN
☐ CIVILIAN

PHYS. COND. CODE
01

2 M/H

05 May 97

☒ ON DUTY ☐ OFF DUTY

☒ SWORN
☐ CIVILIAN

01

IF APPLICABLE - DATE ARRESTED/INDICATED
1.

CHARGES

COURT BRANCH

DISPOSITION & DATE

NAME
2 - Unique 2 - Unique ide...

ADDRESS** CITY STATE
2 - Unique identifiers Chicago, IL

TELEPHONE 773
1 - Personal info

SEX/RACE
F/B

D.O.B./AGE
1 - May 74

PHYS. COND. CODE
0

NAME
1 - Pe 1 - Personal info

ADDRESS** CITY STATE
1 - Personal info Chicago, IL

TELEPHONE 773
1 - Personal info

SEX/RACE
M/B

D.O.B./AGE
2 - Apr 85

PHYS. COND. CODE
0

NAME

ADDRESS** CITY STATE

TELEPHONE

SEX/RACE

D.O.B./AGE

PHYS. COND. CODE

[] SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

SEE REPORT

I.A.D. LOCATION CODES*

- 01 Food Sales/Restaurant
- 02 Tavern/Liquor Store
- 03 Other Business Establishment
- 04 Police Building
- 05 Lockup Facility
- 06 Police Maintenance Facility
- 07 CPD Automotive Pound Facility
- 08 Other Police Property
- 09 Police Communications System
- 10 Court Room

- 11 Public Transportation Veh./Facility
- 12 Park District Property
- 13 Airport
- 14 Public Property - Other
- 15 Other Private Premise
- 16 Expressway/Interstate System
- 17 Public Way - Other
- 18 Waterway, Incl. Park District
- 19 Private Residence

I.A.D. PHYSICAL CONDITION CODES

- 01 No Visible Injury - Apparently Normal
- 02 No Visible Injury - Under Influence
- 03 Injured, Not Hospitalized
- 04 Injured, Not Hospitalized - Under Influence
- 05 Injured, Hospitalized
- 06 Injured, Hospitalized - Under Influence
- 07 Injured, Refused Medical Aid
- 08 Injured, Refused Medical Aid - Under Influence
- 09 Deceased
- 10 Deceased - Under Influence

** IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegations(s).
In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

INVESTIGATIVE REPORTS-
SUPPORTING ALLEGATION
LIST ATTACHMENT NUMBERS:

05

INVESTIGATIVE REPORTS-
SUPPORTING ACCUSED MEMBER(S)
LIST ATTACHMENT NUMBERS:

0

PHYSICAL EVIDENCE
LIST ATTACHMENT NUMBERS:

4B-4F

TOTAL NUMBER OF ATTACHMENTS
SUBMITTED WITH THIS FILE:

26

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation. Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

FINDINGS:

Accused #1 PO Carlos Huertas #19394
Allegations #1-#3 Unfounded

Accused #2 PO [REDACTED] Smith #13791
Allegations #1-#3 Unfounded

Accused # PO Edgar Hernandez #17465
Allegations #1-#3 Unfounded

APPROVED:

2 - Unique identifiers

Supervisor, O.P.S.

Summary prepared by: Inv. A.G. Butler #261

DATE INITIATED 19 Sep 03
(DATE COMPLAINT WAS
RECEIVED FOR INVESTIGATION)

DATE COMPLETED 22 Dec 03
(DATE OF THIS
REPORT)

ELAPSED TIME 90
EXPRESSED IN DAYS

Investigator will initiate the Command Channel Review
for by completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

2 - Unique identifiers

IF NECESSARY, USE AN 8 1/2 X 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

Office of Professional Standards
C.R.#292425

ADDITIONAL ACCUSED:

Edgar Hernandez. PO, #17465, SS# [REDACTED], EMP: [REDACTED] 2 - Unique Iden..., 015, M/H,
DOB: [REDACTED], DOA: 19 Jun 02, On Duty, Sworn, 01

PA Del Valle
Emp 2... Pers...

FEB 16 2005

ALLEGATIONS:

Sergeant Donald Daniels, star 31512, Unit 015 telephoned the Office of Professional Standards via Pax and registered this complaint with I/A Tolliver on [redacted] September 2003 at 2054. The complainant, [redacted] 1 - Personal info alleged that on [redacted] September 2003 at approximately 1915 hours, in the vicinity of 8 [redacted] N. Laramie, Officer Huertas, Smith and Hernandez:

1. pus [redacted] 1 - Personal info head against a brick wall,
2. pushed ([redacted] 1 - P 1 - Personal info to) against a squad car,
3. were inattentative to duty in that they allowed ([redacted] 1 - P 1 - Personal info) to escape.

INVESTIGATION:

The allegations are as stated in the Allegations section of the Summary Digest Report.

Sergeant Donald Daniels, star # 1512, unit 015 reported the circumstances surrounding the initiation of complaint register number 292425

In his initiation report, Sgt. Daniels repeated the allegations as listed.

Attempts to interview [REDACTED] 1 - P 1 - Personal info met with negative results.

The arrest report of [REDACTED] 1 - P 1 - Personal info reflected that he was charged with multiple offenses, which included Escape from Police, Simple Battery and an outstanding Warrant.

[REDACTED] 1 - P 1 - Personal info Receiving and Screening log did not reflect that he sustained any visible injuries.

Photos of [REDACTED] 1 - P 1 - Personal info did not reflect any visible injuries.

[REDACTED] 1 - Person...e 1 - Personal info who is [REDACTED] 1 - P 1 - Personal info [REDACTED] 1 - P... related that she was driving and observed [REDACTED] 1 - Personal info running. She indicated that numerous police officers were chasing [REDACTED] 1 - P 1 - Personal info. [REDACTED] 1 - P 1 - Personal info related that she followed the officers and saw two male/white officers holding [REDACTED] 1 - P 1 - Personal info. The officers pushed him head first into a brick wall. [REDACTED] 1 - P 1 - Personal info was then pushed against a squad car with his shoulder blades striking the squad car.

Upon inquiry [REDACTED] 1 - P 1 - Personal info indicated that [REDACTED] 1 - P 1 - Personal info was then driven away inside the squad car.

A canvass of the area failed to produce any witnesses.

CONCLUSION:

[REDACTED] 1 - Person...e 1 - Personal info who had first hand knowledge of the incident initiated this complaint register investigation on behalf of the victim, [REDACTED] 1 - P 1 - Personal info, [REDACTED] 1 - Person... [REDACTED] 1 - Personal info alleged that unknown officers engaged in maltreatment of [REDACTED] 1 - Personal info in that they allegedly pushed his head against a brick wall, and pushed him against a squad car. To date [REDACTED] 1 - P 1 - Personal info has failed to cooperate with this investigation in that he failed to provide a statement. The R/I attempted to gain the cooperation of [REDACTED] [REDACTED] 1 - Personal info by making a personal visit and sending a certified letter, which informed Mr. [REDACTED] 1 - Personal info that his continued refusal to cooperate would result in his case being closed with a finding of unfounded.

Given that [REDACTED] 1 - P 1 - Personal info has failed to cooperate in these material ways, coupled with the absence of any documented physical injury to [REDACTED] 1 - Personal info as well as the lack of any facts to corroborate [REDACTED] 1 - F 1 - Personal info allegations of excessive force, there is no evidence to support the allegation that the officers used excessive force as alleged by the victim. Therefore, it is recommended that pursuant to General Order 93-3, Addendum 3, Section 11.C.10 that this complaint register investigation be closed as Unfounded without obtaining any reports from the involved officers.